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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/532,477	08/22/2005	Richard A Melville	72811-017	. 3868
	1923 7	7590 10/16/2006	EXAMINER .		
		TT, WILL & EMERY	. SIPOS, JOHN		
	227 WEST MO	ONROE STREET			
	CHICAGO, II	L 60606-5096	•	ART UNIT	PAPER NUMBER
	,		•	3721	
			DATE MAILED: 10/16/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)					
	Office Asticus Occurrence	10/532,477	MELVILLE, RICHA	MELVILLE, RICHARD A				
	Office Action Summary	Examiner	Art Unit					
		John Sipos	3721					
Period fo	The MAILING DATE of this communica or Reply	tion appears on the cover shee	t with the correspondence ad	Idress				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)	Responsive to communication(s) filed of	on .						
		☐ This action is non-final.						
3)	Since this application is in condition for		natters, prosecution as to the	e merits is				
,	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)⊠	Claim(s) 1-34 is/are pending in the app	lication.						
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	Claim(s) is/are allowed.							
6)⊠	6)⊠ Claim(s) <u>1-4</u> is/are rejected.							
7)🖂	7)⊠ Claim(s) <u>5-34</u> is/are objected to.							
8)[8) Claim(s) are subject to restriction and/or election requirement.							
Applicati	on Papers							
9)☐ The specification is objected to by the Examiner.								
10)	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority ι	ınder 35 U.S.C. § 119							
•	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
	1. Certified copies of the priority do							
	2. Certified copies of the priority do		· ·					
	3. Copies of the certified copies of t	· · ·	en received in this National	Stage				
* 0	application from the International See the attached detailed Office action for	, , , , , , , , , , , , , , , , , , , ,	not received					
	see the attached detailed Office action it	or a list of the certified copies	not received.					
Attachmen	, ,							
	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO		ew Summary (PTO-413) No(s)/Mail Date					
3) 🛛 Infon	mation Disclosure Statement(s) (PTO/SB/08)	5) U Notice	of Informal Patent Application					
Pape	r No(s)/Mail Date <u>12/2/05</u> .	6) Other:						

MISCELLANEOUS

Claims 5-34 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

The specification should be reviewed for the use of proper terminology. For example, the specification on pages 8 and 9 refers to elements 30A,30B as "teeth"; however, the drawings, e.g. Figures 4-9, do not show any teeth.

REJECTIONS OF CLAIMS BASED ON PRIOR ART

The following is a quotation of the appropriate paragraphs of 35 U.S.C. '102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4 are rejected under 35 U.S.C. '102(b) as being anticipated by the patent to Tsujimoto (4,306,399). The patent to Tsujimoto shows a bagging apparatus comprising a product receiving means (Figures 2-7) that is in the form of a bottom

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platen 11b,13b and movable side walls 11a,13a, a control means M3,15-28 for moving the side walls toward the product, sensing means MS5,MS6 for sensing the position of the side walls, a bag holding means 116,118 (Figures 22-24) that holds and opens the bag and means for moving the product receiving means 29,M1 into the open bag (Figure 9).

Regarding claim 3, the mechanical connections and sensors of the machine operatively connect the bag holding means and the product receiving means to control their operation.

Regarding claim 4, the claimed "pressure means" can be read on any part of the means (M3,15-28) for moving the side walls together.

ADDITIONAL REFERENCES CITED

The following prior art is made of record but has not been relied upon in the rejection of claims. However, the prior art is considered pertinent to applicant's disclosure.

The patents to Myles, Pretzer, Nishikau, Lucke and Beauclerk show the use product receiving means that support and move a product into a bag.

The patents to Myles, Curtis, McGrane, and Woods show bag opening mechanisms.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

The FAX number for U.S. Patent and Trademark Office is (571) 273-8300.

John Sipos

Primary Examiner

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